

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS
LIABILITY LITIGATION (No.VI) : CIVIL ACTION

This Document Relates To: : CIVIL ACTION NO. MDL 875

Certain Defendants for all Wallace & Graham
North Carolina Cases

(see attached defendant list)

AMENDED ORDER

AND NOW, this 31st day of August, 2009, this matter having been referred by the Honorable Eduardo C. Robreno, IT IS HEREBY ORDERED that the settlement conference previously scheduled on **DECEMBER 22 & 23, 2009 at 10:00 a.m.** has been **RESCHEDULED** and will now take place on **WEDNESDAY, JANUARY 6 & 7, 2010 at 10:00 A.M.** before the undersigned in Courtroom 6, 2nd Floor, United States Courthouse, Robert N.C. Nix Federal Building, 900 Market Street, Philadelphia, Pennsylvania.

Within two weeks of this Order, plaintiff shall give notice of this conference to each viable defendant (i.e., any defendant not in bankruptcy or dismissed) in each case no less than thirty (30) days before the conference date. A Certificate of Notification of this notice shall be forwarded to Judge Hey prior to the conference.

The senior attorney(s) in charge of the matter for each of the parties, with full settlement authority, are required to attend the conference in person. Based on prior practice of settlement conferences in this district in MDL 875 cases, the parties themselves and insurance carriers are not required to be present in person at the conference, but must be available by telephone throughout the duration of the conference and may be required to be present in person at future conferences if the matter does not settle.

Plaintiff shall, no later than forty-five (days) before the scheduled conference, communicate an updated settlement demand to each defendant in each case. If any defendant has not received an updated settlement demand, the defendant shall immediately contact plaintiff to learn the demand. Defendants are encouraged to present an updated offer prior to the conference, and the parties are directed to make good faith efforts to resolve their case(s) prior to the conference.

Also, counsel are encouraged to address other mutual matters they share in the MDL, i.e., counsel should be prepared to discuss matters they share in addition to those specific to the scheduled conference.

Each party is directed to submit to Chambers (via facsimile at 267-299-5061) a settlement

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memorandum setting out the following in order:

1. The names, telephone numbers, facsimile numbers and e-mail addresses of counsel to appear at the conference on behalf of the party;
2. The name of the party or the party's representative, including insurer if applicable (with title or position) to be present or available by telephone during the conference;
3. A brief statement of the elements and manner of proof of the party's claims and/or defenses;
4. A brief statement of the party's damages and manner of proof of their damages or, as appropriate, its position on damages claimed by any opposing party;
5. The last demand and/or offer, including suggestions as to pooling cases or parties to achieve settlement; and
6. Any other matters that counsel believe may be relevant to settlement discussions.

Counsel are directed to fax the position paper to Chambers not later than **four** business days prior to the date of the conference, with a copy to opposing counsel (not all other counsel). Counsel may combine cases in their submissions (i.e., the submission may address multiple clients/cases), so long as the information is organized to assist Judge Hey in understanding the parties' positions regarding settlement. The position statements should not contain briefing of legal issues.

At the completion of the scheduled settlement conference, Judge Hey will determine with counsel's input whether to allow any further time for settlement discussions. Counsel are advised as follows with respect to matters that do not settle. Following the settlement conference, Judge Hey will direct the parties to hold a discovery planning conference pursuant to Fed. R. Civ. P. 26(f), and submit a discovery plan pursuant to Fed. R. Civ. P. 26(f)(3), and will further direct that the plan adhere to the format of the "discovery plan template" attached to this order (and available on the MDL 875 website, www.paed.uscourts.gov/mdl875.asp). The presumptive dates contained in the template will be adopted unless good cause is shown to deviate.

BY THE COURT:



ELIZABETH T. HEY
UNITED STATES MAGISTRATE JUDGE

ATTACHED LIST OF CASES

Defendant Name

BW/IP (Flowserve)
Flowserve US, Inc.
Eaton Corporation
Anchor Packing Company
General Electric Company
Mobil Oil Company
AmChem Products, Inc.
American Standard
Babcock Borsig Power, Inc.
Bayer Cropscience, Inc.
Bigelow-Liptak Corp.
Boiler Services & Construction
Bridgestone Firestone Tire, Inc.
Durabla Manufacturing Company
Goulds Pumps, Inc.
Hercules, Inc.
Honeywell International, Inc.
Ingersoll-Rand Company
John Crane f/k/a/ John Crane Packaging Co.
~~John Crane, Inc.~~

Kar-Guard of Greenville
Moyno, Inc.
Muehlstein & Co., Inc.
National Steel Erection, Inc.
Rutland Fire Clay Company
Sepco Corporation
Tyco Flow Control, Inc.
Williams & Davis Boilers

Wallace and Graham 3 Case Rpt

Plaintiff	District	State Case	Fed Case
Thorndyke, Jr., Joseph Forman	MDL-NC-ED	7:97-CV-222-F(3)	2:06-cv-68452
Thorndyke, Jr., Joseph Forman	MDL-NC-ED	7:97-CV-222-F(3)	2:06-cv-68452
Sirleaf, Wonie Coffa	MDL-NC-MD	1:04-cv-589	2:06-cv-68705
Johnson, Earl	MDL-NC-WD	1:99-CV-254-T	2:06-cv-68939
Bost, Robert Franklin (D)	MDL-NC-MD	3:99CV295	2:07-cv-64483
Silvers, William Daniel (D)	MDL-NC-WD	4:98-CV-49-T	2:07-cv-64484
Griffin, Sr., Marvin Eugene	MDL-NC-WD	1:09-cv-195	2:09-cv-74753
Fulbright, Bobby Wayne	MDL-NC-WD	1:09-cv-284	JF-74753
Hicks, Jr., Arvin Howard	MDL-NC-WD	1:09-cv-272	
Pearson, Jerry	MDL-NC-WD	1:09-cv-286	
Perkins, Billy Richard	MDL-NC-MD	1:09-cv-287	
Smith, Hillard Dean	MDL-NC-WD	1:09-cv-279	
White, Alan Roy	MDL-NC-MD	1:09-cv-549	
Hanson, Russell Arthur	MDL-NC-WD	1:09-cv-289	
Pearson, Gary Robert	MDL-NC-WD	1:09-cv-276	
Sherrill, Jeffrey Scott	MDL-NC-WD	1:09-cv-241	
Brown, Sr., Thomas Eugene (D)	MDL-NC-ED	2:09-cv-29	
Jones, Eugene Hamilton (D)	MDL-NC-WD	3:92CV00385	

Thordyke, Jr., Joseph Form	2:06-cv-68452	Anchor Packing Company	Timothy W. Bouch Leath Bouch & Crawford, LLP	PO Box 59 Charleston, SC 29402
Thordyke, Jr., Joseph Form	2:06-cv-68452	Mobil Oil Company	Stanley B. Green Womble Carlyle Sandridge & Rice, PLLC	3500 One Wachovia Center 301 South College Street Charlotte, NC 28202-6037
Thordyke, Jr., Joseph Form	2:06-cv-68452	American Standard (Individually and as Successor in Interest to Kewanee Boiler Corporation)	Tim Peck Smith Moore Leatherwood LLP	300 North Green St, Suite 1400 Greensboro, NC 27401
Thordyke, Jr., Joseph Form	2:06-cv-68452	Bigelow-Liptak Corp.	Default	
Thordyke, Jr., Joseph Form	2:06-cv-68452	Boiler Services & Construction	Default	
Thordyke, Jr., Joseph Form	2:06-cv-68452	John Crane, Inc.	Mark E. Anderson Edward Kenneth Brooks Patterson Dilthey, LLP	4040 Westchase Blvd., Suite 550 Raleigh, NC 27607
Thordyke, Jr., Joseph Form	2:06-cv-68452	Kar-Guard of Greenville	Default	
Thordyke, Jr., Joseph Form	2:06-cv-68452	National Steel Erection Inc.	Default	
Thordyke, Jr., Joseph Form	2:06-cv-68452	Villiams & Davis Boilers, Inc.	Tim Peck Smith Moore Leatherwood LLP	300 North Green St, Suite 1400 Greensboro, NC 27401
Sirleaf, Womie Coffa	2:06-cv-68705	Bridgestone Firestone Tire Inc	David M. Duke Young, Moore & Henderson	3101 Glenwood Ave, #200 Raleigh, NC 27612
Johnson, Earl	2:06-cv-68939	Muehlstein & Co. Inc.	Default	
Bost, Robert Franklin (D)	2:07-cv-64483	Amchem Products, Inc.	Carl E. Pierce, II James D. Gandy, III Joseph C. Wilson, IV	PO Box 22437 Charleston, SC 29413

Bost, Robert Franklin (D)	2:07-cv-64483	Rutland Fire Clay Company	Jeffrey A. Kadis	6000 Fairview Road, Suite 1000 Charlotte, NC 28210
Silvers, William Daniel (D)	2:07-cv-64484	General Electric Corporation	Hedrick Gardner Kincheloe & Garofalo, LLP	300 North Green St, Suite 1400 Greensboro, NC 27401
Griffin, Sr., Marvin Eugene	2:09-cv-74753	Flowserve U.S. Inc., solely as successor to Edward Valves, Inc., Vogt Valve Company, and Nordstrom Valves, Inc.	Tim Peck Smith Moore Leatherwood LLP	One West Fourth Street Winston-Salem, NC 27101
Fulbright, Bobby Wayne	1:09-cv-284	BW/IP (FLOWSERVE)	Stephanie U. Roberts Womble Carlyle Sandridge & Rice, PLLC	145 King Street, Suite 302 Charleston, SC 29402
Hicks, Jr., Arvin Howard	1:09-cv-272	BW/IP (FLOWSERVE)	Mark H. Wall Elmore & Wall, PA	145 King Street, Suite 302 Charleston, SC 29402
Pearson, Jerry	1:09-cv-286	BW/IP (FLOWSERVE)	Mark H. Wall Elmore & Wall, PA	145 King Street, Suite 302 Charleston, SC 29402
Perkins, Billy Richard	1:09-cv-287	BW/IP (FLOWSERVE)	Mark H. Wall Elmore & Wall, PA	145 King Street, Suite 302 Charleston, SC 29402
Smith, Hillard Dean	1:09-cv-279	BW/IP (FLOWSERVE)	Mark H. Wall Elmore & Wall, PA	145 King Street, Suite 302 Charleston, SC 29402
White, Alan Roy	1:09-cv-549	BW/IP (FLOWSERVE)	Mark H. Wall Elmore & Wall, PA	145 King Street, Suite 302 Charleston, SC 29402
Hanson, Russell Arthur	1:09-cv-289	Flowserve U.S. Inc., solely as successor to Edward Valves, Inc., Vogt Valve Company, and Nordstrom Valves, Inc.	Stephanie U. Roberts Womble Carlyle Sandridge & Rice, PLLC	One West Fourth Street Winston-Salem, NC 27101
Hicks, Jr., Arvin Howard	1:09-cv-272	Flowserve U.S. Inc., solely as successor to Edward Valves, Inc., Vogt Valve Company, and Nordstrom Valves, Inc.	Stephanie U. Roberts Womble Carlyle Sandridge & Rice, PLLC	One West Fourth Street Winston-Salem, NC 27101
Pearson, Gary Robert	1:09-cv-276	Flowserve U.S. Inc., solely as successor to Edward Valves, Inc., Vogt Valve Company, and Nordstrom Valves, Inc.	Stephanie U. Roberts Womble Carlyle Sandridge & Rice, PLLC	One West Fourth Street Winston-Salem, NC 27101

Sherrill, Jeffrey Scott	1:09-cv-241	Flowserv U.S. Inc., solely as successor to Edward Valves, Inc., Vogt Valve Company, and Nordstrom Valves, Inc.	Stephanie U. Roberts Womble Carlyle Sandridge & Rice, PLLC	One West Fourth Street Winston-Salem, NC 27101
Hanson, Russell Arthur	1:09-cv-289	Eaton Corporation, Individually and now known as Eaton Electrical, Inc. and as Successor to The Vickers Pump		
Hicks, Jr., Arvin Howard	1:09-cv-272	Eaton Corporation, Individually and now known as Eaton Electrical, Inc. and as Successor to The Vickers Pump		
Pearson, Jerry	1:09-cv-286	Eaton Corporation, Individually and now known as Eaton Electrical, Inc. and as Successor to The Vickers Pump		
Perkins, Billy Richard	1:09-cv-287	Eaton Corporation, Individually and now known as Eaton Electrical, Inc. and as Successor to The Vickers Pump		
Brown, Sr., Thomas Eugene	2:09-cv-29	Anchor Packing Company	Timothy W. Bouch Leath Bouch & Crawford, LLP Charleston, SC 29402	PO Box 59 Leath Bouch & Crawford, LLP Charleston, SC 29402
Brown, Sr., Thomas Eugene	2:09-cv-29	General Electric Corporation	Tim Peck Smith Moore Leatherwood LLP	300 North Green St, Suite 1400 Greensboro, NC 27401
Jones, Eugene Hamilton (D)	3:92CV00385	Mobil Oil Company	Stanley B. Green Womble Carlyle Sandridge & Rice, PLLC	3500 One Wachovia Center 301 South College Street Charlotte, NC 28202-6037
Brown, Sr., Thomas Eugene	2:09-cv-29	Babcock Borsig Power Inc.	New Case - Answer Due	
Brown, Sr., Thomas Eugene	2:09-cv-29	Bayer Cropscience, Inc.	Moffatt G. McDonald W. David Connor Charles M. Sprinkle, III	PO Box 2048 Greenville, SC 29602
Brown, Sr., Thomas Eugene	2:09-cv-29	DURABLE MANUFACTURING COMPANY	Clemente, Mueller & Tobia	609 Hamilton Street Allentown, PA 18104
Brown, Sr., Thomas Eugene	2:09-cv-29	Goulds Pumps Incorporated	Lindsay M. Peed Ogletree, Deakins, Nash, Smoak & Stewart, PC	201 S. College Street, Suite 2300 Charlotte, NC 28244

Brown, Sr., Thomas Eugene	2:09-cv-29	Hercules Inc.	New Case - Answer Due
Brown, Sr., Thomas Eugene	2:09-cv-29	Honeywell International, Inc f/k/a Allied Signal, Inc., and as successor-in-interest to The Bendix Corp	H. Lee Davis, Jr. Davis & Hamrick, LLP PO Box 20039 Winston-Salem, NC 27120-0039
Brown, Sr., Thomas Eugene	2:09-cv-29	Ingersoll-Rand Company	New Case - Answer Due
Brown, Sr., Thomas Eugene	2:09-cv-29	John Crane f/k/a John Crane Packing Company	Mark E. Anderson Edward Kenneth Brooks Patterson Dilthey, LLP 4040 Westchase Blvd., Suite 550 Raleigh, NC 27607
Brown, Sr., Thomas Eugene	2:09-cv-29	Moyno, Inc. (Robbins and Myers Pumps)	Timothy W. Bouch Leath Bouch & Crawford, LLP PO Box 59 Charleston, SC 29402
Brown, Sr., Thomas Eugene	2:09-cv-29	Sepco Corporation	Clokan J. Hollan 7301 Orangewood Avenue Garden Grove, CA 92841
Brown, Sr., Thomas Eugene	2:09-cv-29	Tyco Flow Control, Inc., Individually and as Successor to Yanway Corporation and Grinnell Corporation	Tracy E. Tomlin Nelson Mullins Riley & Scarborough, LLP Bank of America Corporate Center 100 North Tryon Street,